

of such Department, were transferred, with certain exceptions, to the Secretary of the Treasury, with power vested in him to authorize their performance or the performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F. R. 4935, 64 Stat. 1280, set out in note under section 241 of Title 5, Executive Departments and Government Officers and Employees.

#### EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of the Corporations of the Department of Agriculture, the boards of directors and officers of such corporations; the Advisory Board of the Commodity Credit Corporation; and the Farm Credit Administration or any agency, officer or entity of, under, or subject to the supervision of the said Administration were excepted from the functions of officers, agencies and employees transferred to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, effective June 4, 1953, 18 F. R. 3219, 67 Stat. 633, set out as a note under section 511 of Title 5, Executive Departments and Government Officers and Employees.

#### § 3057. Bankruptcy investigations.

(a) Any referee, receiver, or trustee having reasonable grounds for believing that any violations of the bankruptcy laws or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the referee, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction. (June 25, 1948, ch. 645, 62 Stat. 818; May 24, 1949, ch. 139, § 48, 63 Stat. 96.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on section 52 (e) (1, 2) of title 11, U. S. C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, § 29e (1, 2), as added by May 27, 1926, ch. 406, § 11, 44 Stat. 665, 666; June 22, 1938, ch. 575, § 1, 52 Stat. 840, 856).

Remaining provisions of section 52 of title 11, U. S. C., 1940 ed., Bankruptcy, constitute sections 151-154, and 3284 of this title.

The words "or laws relating to insolvent debtors, receiverships, or reorganization plans" were inserted to avoid reference to "Title 11".

Minor changes were made in phraseology.

#### AMENDMENTS

1949—Subsec. (a). Act May 24, 1949, substituted "or other laws of the United States" for "or laws."

#### TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of Title 5, Executive Departments and Government Officers and Employees.

#### § 3058. Interned belligerent nationals.

Whoever, belonging to the armed land or naval forces of a belligerent nation or belligerent faction and being interned in the United States, in accordance with the law of nations, leaves or attempts to leave said jurisdiction, or leaves or attempts to leave the limits of internment without permission from the proper official of the United States in charge, or willfully overstays a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct. (June 25, 1948, ch. 645, 62 Stat. 818.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 37 (June 15, 1917, ch. 30, title V, § 7, 40 Stat. 223).

Said section 37 was incorporated in this section and section 756 of this title.

Minor verbal changes were made.

#### CROSS REFERENCES

Jurisdiction, see section 3241 of this title.

#### § 3059. Rewards and appropriations therefor.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$25,000 as a reward or rewards for the capture of anyone who is charged with violation of criminal laws of the United States or any State or of the District of Columbia, and an equal amount as a reward or rewards for information leading to the arrest of any such person, to be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Attorney General of the United States. Not more than \$25,000 shall be expended for information or capture of any one person.

If any of the said persons shall be killed in resisting lawful arrest, the Attorney General may pay any part of the reward money in his discretion to the person or persons whom he shall adjudge to be entitled thereto but no reward money shall be paid to any official or employee of the Department of Justice of the United States. (June 25, 1948, ch. 645, 62 Stat. 818.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 575 (June 6, 1934, ch. 408, 48 Stat. 910).

Changes were made in phraseology.

#### CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

#### § 3060. Preliminary examination—(Rule).

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Proceedings before commissioner, appearance, advice as to right to counsel, hearing, Rule 5.

(June 25, 1948, ch. 645, 62 Stat. 819.)

#### Chapter 205.—SEARCHES AND SEIZURES

##### Sec.

3101. Effect of rules of court—Rule.

3102. Authority to issue search warrant—Rule.

3103. Grounds for issuing search warrant—Rule.

3104. Issuance of search warrant; contents—Rule.

3105. Persons authorized to serve search warrant.

3106. Officer authorized to serve search warrant—Rule.

## Sec.

3107. Service of warrants and seizures by Federal Bureau of Investigation.
3108. Execution, service, and return—Rule.
3109. Breaking doors or windows for entry or exit.
3110. Property defined—Rule.
3111. Property seizable on search warrant—Rule.
3112. Search warrants for seizure of animals, birds or eggs.
3113. Liquor violations in Indian country.
3114. Return of seized property and suppression of evidence; motion—Rule.
3115. Inventory upon execution and return of search warrant—Rule.
3116. Records of examining magistrate; return to clerk of court—Rule.

## § 3101. Effect of rules of court—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Rules generally applicable throughout United States, Rule 54.

Acts of Congress superseded, Rule 41 (g).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3102. Authority to issue search warrant—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Federal, State or Territorial Judges, or U. S. Commissioners authorized to issue search warrants, Rule 41 (a).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3103. Grounds for issuing search warrant—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Grounds prescribed for issuance of search warrant, Rule 41 (b).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3104. Issuance of search warrant; contents—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Issuance of search warrant on affidavit; contents to identify persons or place; command to search forthwith, Rule 41 (c).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3105. Persons authorized to serve search warrant.

A search warrant may in all cases be served by any of the officers mentioned in its direction or by an officer authorized by law to serve such warrant, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution. (June 25, 1948, ch. 645, 62 Stat. 819.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 617 (June 15, 1917, ch. 30, title XI, § 7, 40 Stat. 229). Minor change was made in phraseology.

## CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

## FEDERAL RULES OF CRIMINAL PROCEDURE

Search warrants and seizures, see rule 41, Appendix to this title.

## § 3106. Officer authorized to serve search warrant—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Officer to whom search warrant shall be directed, Rule 41 (c).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3107. Service of warrants and seizures by Federal Bureau of Investigation.

The Director, Associate Director, Assistant to the Director, Assistant Directors, agents, and inspectors of the Federal Bureau of Investigation of the Department of Justice are empowered to make seizures

under warrant for violation of the laws of the United States. (June 25, 1948, ch. 645, 62 Stat. 819; Jan. 10, 1951, ch. 1221, § 2, 64 Stat. 1239.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on section 300a of title 5, U. S. C., 1940 ed., Executive Departments and Government Officers and Employees (June 18, 1934, ch. 595, 48 Stat. 1008; Mar. 22, 1935, ch. 39, title II, 49 Stat. 77).

Section 300a of title 5, U. S. C., 1940 ed., Executive Departments and Government Officers and Employees, was used as the basis for this section and section 3052 of this title.

## AMENDMENTS

1951—Act Jan. 10, 1951, included within its provisions the Associate Director and the Assistant to the Director.

## TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of Justice and all functions of all agencies and employees of such Department were, with a few exceptions, transferred to the Attorney General, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 2, §§ 1, 2, eff. May 24, 1950, 15 F. R. 3173, 64 Stat. 1261, set out in note under section 291 of Title 5, Executive Departments and Government Officers and Employees.

## § 3108. Execution, service, and return—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Method and time for execution, service and return of search warrant, Rule 41 (c), (d).

(June 25, 1948, ch. 645, 62 Stat. 819.)

## § 3109. Breaking doors or windows for entry or exit.

The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant. (June 25, 1948, ch. 645, 62 Stat. 820.)

## LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 618, 619 (June 15, 1917, ch. 30, title XI, §§ 8, 9, 40 Stat. 229).

Said sections 618 and 619 were consolidated with minor changes in phraseology but without change of substance.

## CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

## CROSS REFERENCES

Authority, exceeding in executing warrant, see section 2234 of this title.

## FEDERAL RULES OF CRIMINAL PROCEDURE

Search warrants and seizures, see rule 41, Appendix to this title.

## § 3110. Property defined—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Term "property" as used in Rule 41 includes documents, books, papers and any other tangible objects, Rule 41 (g). (June 25, 1948, ch. 645, 62 Stat. 820.)

## § 3111. Property seizable on search warrant—(Rule).

## SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Specified property seizable on search warrant, Rule 41 (b).

(June 25, 1948, ch. 645, 62 Stat. 820.)

## § 3112. Search warrants for seizure of animals, birds or eggs.

Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title,

and any officer of the customs, shall have authority to execute any warrant to search for and seize any property used or possessed in violation of said sections and property so seized shall be held by him or by the United States marshal pending disposition thereof by the court. (June 25, 1948, ch. 645, 62 Stat. 820.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., § 393a (June 15, 1935, ch. 261, title II, § 202, 49 Stat. 381; Reorg. Plan No. II, § 4 (f), 4 F. R. 2731, 53 Stat. 1433).

Section 393a of title 18, U. S. C., 1940 ed., was incorporated in this section and sections 43, 44, and 3054 of this title.

Only such changes of phraseology were made as were necessary to make this section conform with Rule 41 of the Federal Rules of Criminal Procedure.

#### § 3113. Liquor violations in Indian country.

If any superintendent of Indian affairs, or commanding officer of a military post, or special agent of the Office of Indian Affairs for the suppression of liquor traffic among Indians and in the Indian country and any authorized deputies under his supervision has probable cause to believe that any person is about to introduce or has introduced any spirituous liquor, beer, wine or other intoxicating liquors named in sections 1154 and 1156 of this title into the Indian country in violation of law, he may cause the places, conveyances, and packages of such person to be searched. If any such intoxicating liquor is found therein, the same, together with such conveyances and packages of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and one-half to the use of the United States. If such person be a trader, his license shall be revoked and his bond put in suit.

Any person in the service of the United States authorized by this section to make searches and seizures, or any Indian may take and destroy any ardent spirits or wine found in the Indian country, except such as are kept or used for scientific, sacramental, medicinal, or mechanical purposes or such as may be introduced therein by the Department of the Army.

In all cases arising under this section and sections 1154 and 1156 of this title, Indians shall be competent witnesses. (June 25, 1948, ch. 645, 62 Stat. 820; Oct. 31, 1951, ch. 655, § 30, 65 Stat. 721.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on sections 246, 248, 252 of title 25, U. S. C., 1940 ed., Indians (R. S. § 2140; Mar. 1, 1907, ch. 2285, 34 Stat. 1017; May 18, 1916, ch. 125, § 1, 39 Stat. 124).

Said sections 246, 248, and 252 were consolidated. References to Indian agent and subagent were deleted since those positions no longer exist. See section 64 of title 25, U. S. C., 1940 ed., Indians, and notes thereunder.

Words "except such as are kept or used for scientific, sacramental, medicinal or mechanical purposes" were inserted. See reviser's note under section 1154 of this title.

Words "conveyances and packages" were substituted for the enumeration, "boats, teams, wagons and sleds \* \* \* and goods, packages and peltries."

Minor changes were made in phraseology.

#### AMENDMENTS

1951—Act Oct. 31, 1951, substituted in second paragraph "Department of the Army" for "War Department".

#### CROSS REFERENCES

Application of Indian liquor laws, see section 1161 of this title.

Disposition of seized conveyances, see section 3619 of this title.

Indian country defined, see section 1151 of this title.

Intoxicants dispensed in Indian country, see section 1154 of this title.

Jurisdiction of forfeiture proceedings by district courts, see section 1355 of Title 28, Judiciary and Judicial Procedure.

Seizure and forfeiture of conveyances introducing intoxicants into Indian country, see section 3618 of this title.

Unlawful possession of intoxicants in Indian country, see section 1156 of this title.

#### § 3114. Return of seized property and suppression of evidence; motion—(Rule).

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Return of property and suppression of evidence upon motion, Rule 41 (e).

(June 25, 1948, ch. 645, 62 Stat. 820.)

#### § 3115. Inventory upon execution and return of search warrant—(Rule).

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Inventory of property seized under search warrant, and copies to persons affected, Rule 41 (d).

(June 25, 1948, ch. 645, 62 Stat. 820.)

#### § 3116. Records of examining magistrate; return to clerk of court—(Rule).

##### SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Commissioners and clerks of court to keep records as prescribed by Director of the Administrative Office of the United States Courts, Rule 55.

Return or filing of records with clerk, Rule 41 (f).

(June 25, 1948, ch. 645, 62 Stat. 821.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Section 627 of title 18, U. S. C., 1940 ed., relating to the filing of search warrants and companion papers, was omitted as unnecessary in view of Rule 41 (f) of the Federal Rules of Criminal Procedure.

#### Chapter 207.—BAIL

##### Sec.

3141. Power of courts and magistrates.

3142. Surrender by bail.

3143. Additional bail.

3144. Cases removed from State courts.

3145. Parties and witnesses—Rule.

3146. Jumping bail.

##### AMENDMENTS

1954—Act Aug. 20, 1954, ch. 772, § 2, 68 Stat. 748, added item 3146.

#### § 3141. Power of courts and magistrates.

Bail may be taken by any court, judge, or magistrate authorized to arrest and commit offenders, but in capital cases bail may be taken only by a court of the United States having original or appellate jurisdiction in criminal cases or by a justice or judge thereof. (June 25, 1948, ch. 645, 62 Stat. 821.)

#### LEGISLATIVE HISTORY

*Reviser's Note.*—Based on title 18, U. S. C., 1940 ed., §§ 596, 597 (R. S. §§ 1015, 1016; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167).

Sections 596 and 597 of title 13, U. S. C., 1940 ed., except as superseded by rule 40 (a) (1) of the Federal Rules of Criminal Procedure are consolidated and rewritten in this section without change of meaning.

#### CROSS REFERENCES

Juvenile delinquents, release on bail, see section 5035 of this title.